



United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 10, 2007

BY ECF; COURTESY COPY BY HAND

The Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
500 Pearl Street, Room 1050
New York, N.Y. 10007

Re: United States v. Carlos Robles, et al.,
07 Cr. 753 (AKH)

Dear Judge Hellerstein:

At the September 7, 2007 pretrial conference in this matter, your Honor directed the Government to write the Court regarding the status of the Speedy Trial Act clock.

The defendants were arrested on July 12, 2007. They were presented in Magistrate's Court on July 13, 2007, except for defendant Jose Mejia-Volquez, a/k/a "Mejias Giovanni," who was not presented until July 18, 2007 due to an injury he suffered jumping from a window just before his arrest. (Mejia-Volquez waived speedy presentment, through counsel, from July 13 through July 18.) The indictment was filed on August 13, 2007. Three defendants (Marizan-Brito, Mejia-Volquez, and Carlos Robles) were arraigned on August 17, 2007, four more (Maria A. Polo, Maria E. Polo, Antonia Polo, and Dilenny Duarate) on or about August 20, 2007, and the final defendant (Manuel Baldera) on September 7, 2007.

Cases involving multiple defendants are governed by a single speedy trial clock, and exclusions of time as to any one defendant are charged against the single clock. See, e.g., United States v. Pena, 793 F.2d 486, 489 (2d Cir. 1986). At the

Hon. Alvin K. Hellerstein
September 10, 2007
Page 2

August 17 arraignments, time was excluded by the magistrate judge through the September 7, 2007 conference. At that conference, your Honor excluded time prospectively through October 12, 2007. Accordingly, a total of four days - from August 13 through August 17, 2007 - have elapsed.

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

s/ Marshall Camp

By: _____
Marshall Camp / Julian Moore
Assistant United States Attorneys
(212) 637-1035 / -2473

cc: Mark Cohen, Esq. (by ECF)
David A. Gordon, Esq. (by ECF)
John J. Reick, Jr., Esq. (by ECF)
Nestor Rosado, Esq. (by ECF)
Richard H. Rosenberg, Esq. (by ECF)
James M. Roth, Esq. (by ECF)
Michael H. Sporn, Esq. (by ECF)
Gary Jenkins, Esq. (by U.S. mail)